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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,785	10/27/2000	Alan William Atkinson	P-3530.001	8003

7590

04/18/2003

Robert L. Stearns
5291 Colony Drive North
Saginaw, MI 48603

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

16

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on Oct 22, 2002 (paper no 8); Nov 04, 2002 (paper no 9)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-13 & 15 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-13 & 15 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. Two amendments (Paper Nos. 8 and 9) have been filed on October 22, 2002 and November 4, 2002 (resp.)
2. Claims under examination are 1-13 and 15.
3. Applicants have not affirmed the election of Group I, claims 1-13.
4. Objection to claims 7-10, 12 and 13 (item 5 of prior Office Action Paper No. 6) is now withdrawn.
5. Rejections of respective claims in prior Office action (Paper No. 6) item Nos. 7, 9, 10, 11 and 12 are now withdrawn following the above amendments (viz. Paper Nos. 8 and 9).
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padget et al (EP 75396) in view of Grimwood (USP 4,962,989), DE 4,405,864 or Agrawal et al (USP 5,255,483) and JP 2,142,859 or Tsutsui et al (USP 4,169,916).

Disclosures of Padget and Grimwood are summarized in earlier Office action Paper No. 6.

Padget is silent on the newly added limitations of claim 1, the silicate binder (of claims 2-4), lubricant (of claim 7) and the inorganic binder (of claims 9 and 10).

DE '864 discloses the use of solid lubricant/s for high temp applications. Agrawal also discloses use of lubricant together with a polymeric binder (see col. 8, lines 11-16).

JP '859 discloses an inorganic coating material comprising phosphate/s, a filler, a binder such as lithium silicate, sodium silicate and a pH regulator like alumni sol (see English translation, page 2, item 2).

Tsutsui discloses a method of treating steel wherein the steel is coated with a solution comprising (a) lithium silicate and (b) a saturated or an unsaturated fatty acid compound (see abstract).

Therefore, it would have been obvious to incorporate into the coating composition of Padget, (a) the silicone rubber (of Grimwood) in order to enhance fire resistance, (b) solid lubricant (of DE '864 or Agrawal) in order to impart adequate flow and (c) inorganic binder viz lithium silicate (of JP '859 or Tsutsui) to increase resistance to water and heat.

It is noted that Padget does not explicitly satisfy the limitations of (now amended) claim 1, which require the coating for the gasket to flow on being compressed. It is the examiner's position that since Padget discloses the (claimed) composition, it is reasonable to infer that the said composition (of Padget) satisfies the above limitations unless proved otherwise. It seems that what applicants claim in instant application is/are new characteristic/s of an already known composition.

Additionally, Padget teaches PTFE (of instant claim 5) which acts both as a binder and a waterproofing agent (of instant claim 11). The claimed limitations of thickness of coating (of instant claim 12) and density of coating (of instant claim 13) can be assumed to have been satisfied by prior art since it is within the expertise of one

to vary these physical characteristics of coating as necessary to enhance the performance.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can generally be reached on Monday-Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

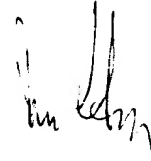
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Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-0661.

U.K. Rajguru/dh
April 16, 2003



Supervisory Patent Examiner
Technology Center 100